

Here it was proposed on the part of the state to give in the acts and declarations of Anne Melton when the occasion of the fight between her and the witness at Mrs. James Scott's alluded to in the cross examination. The prisoner objected for the reasons advanced in the fourth exception. Objection overruled and evidence submitted by the court. End of exception.

The witness stated, after I had made the remark to Ben Ferguson and Jack Atkins, I and Anne Melton had a quarrel. I went over to the house of Mrs. James Scott. Anne Melton came there with a club and said to me, "You've got to go home." She pushed me out the door and got me down and choked me. After the fight, she said, "You have said enough to Jack Atkins and Ben Ferguson to hang you and Tom Dula, if it were ever looked into." I replied, "You know you are as far into that as I am." I also said that it was the truth that I had made the remark to Atkins and Ferguson, but not that I had done the crime, I went off with her to the top of the hill, she then proceeded to go back and make Mrs. Scott promise not to tell it. We went back and Anne Melton enjoined on Mrs. Scott not to tell anything which had been said during the quarrel.
(The prisoner excepted)

The prisoner remarked to me one day that Anne Melton was jealous of me. I replied I did not know how that could be as I never went into his company unless she put me in it for a blind.

Cross Examination Resumed After we went off from Mrs. James Scott's, Anne Melton said to me she wanted to kill me ever since I had said that to Jack Atkins and Ben Ferguson. We quarrelled that morning because she wanted me to milk the cows and get breakfast both. We had got off about a hundred yards where we turned back to Mrs. Scott's. Anne Melton went back a second time, but I could not distinguish the words she used; she said she was going back again to make Mrs. Scott promise not to tell anything that had taken place here. During the difficulty she had charged me with having a bad disease and also having improper intimacies with my brother; the latter charge was untrue.

Mrs. James Scott (Recalled by the state) testified
"Pauline Foster came to my house a few minutes after